

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LA UNIÓN DEL PUEBLO ENTERO, *et al.*,

Plaintiffs,

v.

GREGORY W. ABBOTT, *et al.*,

Defendants.

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Case No. 5:21-cv-844-XR
[Lead Case]

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS, *et al.*,

Plaintiffs,

v.

JOHN SCOTT, *et al.*,

Defendants.

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Case No. 1:21-cv-786
[Consolidated Case]

EXHIBIT J

DECLARATION OF REPRESENTATIVE BRISCOE CAIN

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LA UNIÓN DEL PUEBLO ENTERO, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, *et al.*,

Defendants.

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Case No. 5:21-cv-00844
[Lead Case]

HOUSTON AREA URBAN LEAGUE, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, *et al.*,

Defendants.

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Case No. 5:21-cv-00848
[Consolidated Case]

DECLARATION OF REPRESENTATIVE BRISCOE CAIN

Pursuant to 28 U.S.C. § 1746, I, Briscoe Cain, declare under penalty of perjury that the foregoing is true and correct.

1. My name is Briscoe Cain. I am the elected representative for District 128 of the Texas House of Representative. I have held office since January of 2017.
2. In connection with the consolidated cases *La Unión del Pueblo Entero v. Abbott*, No. 5:21-cv-844 (W.D. Tex.), I received a subpoena *duces tecum* from the LULAC plaintiffs. I understand that the plaintiffs have objected to my attorneys' withholding of several documents that were collected from my office.
3. As my attorneys have indicated, I intend to assert the legislative privilege, attorney-client privilege, work-product privilege, the investigative privilege, and any applicable privileges to the greatest extent allowable by law. This declaration confirms the assertions my attorneys made on my behalf in the privilege log they sent to plaintiffs. The references to *entries* and *tables* mean the same entries and tables listed in plaintiffs' compilation of objections to privilege assertions. *See* ECF 392 at App 244–85.

4. The entries listed below refer to notes prepared by myself or members of my staff relating to SB1, or other election integrity legislation considered during sessions of the 87th Legislature, as indicated in the privilege log. These notes reflect my mental impressions regarding their subject, and are intended to be strictly confidential.

- See Table A, Entries 4, 22, 24.

5. The entries listed below refer to reports and analyses that my office retained. In the course of my legislative duties, I receive reports and analyses from many different groups, as indicated in the privilege log. I choose to retain some of these reports and analyses as part of my process for gathering facts for, considering, and formulating SB1, or other election integrity legislation considered during sessions of the 87th Legislature, although in doing so I do not necessarily agree or disagree with the substantive assertions they make. These reports are authored by a variety of organizations. Some of the relevant documents contain annotations made by myself or members of my staff, which reflect our mental impressions regarding the report or analysis at issue.

- See Table A, Entry 2; Table B, Entries 1–4.

6. The entries listed below refer to drafts of bills relating to election integrity, draft amendments, and draft committee substitutes, as indicated in the privilege log. Some of the relevant documents contain annotations made by myself or members of my staff, which reflect our mental impressions regarding the report or analysis at issue. My staff and I prepared these draft documents as part of my process for considering and formulating SB1, or other election integrity legislation considered during sessions of the 87th Legislature. They directly relate to sections and provisions that were considered for such legislation. I do not necessarily think that any such draft, section, or provision is good or bad policy or should or should not have been incorporated into what ultimately became Senate Bill 1.

Some of the bill drafts described above were prepared in consultation with the Texas Legislative Council. TLC provides legal advice and other services in connection with the drafting and analysis of proposed legislation. In that regard, I understand that there is an attorney-client relationship between my office and TLC.

- See Table A, Entries 5–9, 12, 15–21, 26–27.

7. The entry listed below refers to a bill analysis conducted by the Texas Legislative Council, as indicated in the privilege log. This is an analysis conducted for proposed legislation that summarize the bill and its significant provisions, especially as to how it changes current law. I retained this analysis for a bill relating to election integrity legislation as part of my process for gathering facts for, considering, and formulating SB1, or other election integrity legislation considered during sessions of the 87th Legislature. It also contains annotations made by myself or members of my staff, which reflect our mental impressions regarding the report or analysis at issue.

- See Table A, Entry 3

8. The entries listed below refer to draft scripts or talking points, as indicated in the privilege log. These are documents that summarize or set forth the topics intended to discuss, or was considering discussing, when introducing, presenting, discussing, or asking questions about legislation in committee or on the House floor as to SB1, or other election integrity legislation considered during sessions of the 87th Legislature. These documents are strictly confidential and reveal my mental impressions regarding the particular subject and legislation at issue.
- See Table A, Entries 10–11, 13–14, 23.
9. The entry listed below refers to a communication between myself and Justin Williamson, my chief of staff, as indicated in the privilege log. In connection with my legislative duties and as part of my process for considering and formulating SB1, or other election integrity legislation considered during sessions of the 87th Legislature, I often discuss related matters with members of my staff. These communications are intended to be confidential and reveal my mental impressions regarding the subject of the communication.
- See Table A, Entry 25.
10. I gave a deposition in connection with this litigation on Thursday, April 21, 2022. All parties to these consolidated lawsuits were entitled to appear and ask questions. No attorney asked me any questions relating to the privilege log produced by my counsel respecting the documents withheld in connection with the subpoena issued to me. In addition, to my knowledge, no attorney representing the LULAC plaintiffs asked me any questions at all.

Executed on May 09 2022

Briscoe Cain

Briscoe Cain